

CHAPTER NO. 627

SENATE BILL NO. 2844

By Cooper

Substituted for: House Bill No. 2361

By Curtiss

AN ACT To amend Tennessee Code Annotated, Section 5-1-118, relative to county powers shared with municipalities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-1-118, is amended by deleting subsection (c) in its entirety, and by substituting instead the following language:

(c)(1) In addition to those powers granted to counties pursuant to subsection (a), any county, which does not have zoning regulations in effect throughout the county, may, by adoption of a resolution by two-thirds (2/3) vote of their respective legislative bodies, exercise those powers granted to all or certain municipalities by § 6-2-201(22) and (23), except as provided in subsection (b) and subdivisions (c)(2) and (3). The powers granted to counties in this subsection apply only within the unincorporated areas. Nothing in this act may be construed to allow any county to prohibit or in any way impede any municipality in exercising any power or authority the municipality may lawfully exercise. If, prior to the effective date of this act, a county has adopted a resolution by a two-thirds (2/3) vote, pursuant to previous acts enacted by the General Assembly, to exercise the powers granted in accordance with this subsection, no further action by the legislative body of such county is necessary to continue exercising such powers.

(2) The powers granted by § 6-2-201(22) and (23) shall not apply to those activities, businesses, or uses of property and business occupations and practices which are subject to regulation pursuant to Title 57, Chapter 5; Title 57, Chapter 6; Title 59, Chapter 8; Title 60, Chapter 1; Title 68, Chapters 201 through 221; or Title 69, Chapters 3, 8, 11 and 12.


(3) All court decisions and statutory laws relating to variances and non-conforming uses applicable to zoning ordinances and land use controls shall apply to the enforcement and exercise of those powers granted pursuant to (c)(1).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 10, 2002



JOHN S. WILDER
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 17th day of April 2002



DON SINKQUIST, GOVERNOR